

Congress of the United States

Washington, DC 20515

December 18, 2005

The Honorable James F. Sensenbrenner, Jr.
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Sensenbrenner:

We, the undersigned Members of the House Judiciary Committee, write to urge you to convene hearings as soon as possible to investigate the President's ordering the National Security Agency (NSA) to engage in espionage of persons inside the United States without obtaining court-ordered warrants authorizing these searches.

On December 16, the New York Times reported that since 2002, the NSA has monitored international telephone calls and email messages of hundreds and possibly thousands of people inside the United States without warrants pursuant to an order of the President of the United States. Yesterday, the President confirmed that he secretly ordered the NSA, whose mission is to conduct foreign surveillance, to engage in domestic spying by intercepting the communications of American citizens and terrorist suspects inside the United States without obtaining warrants.

The December 16 New York Times report states that, even according to its own officials, such domestic espionage is unprecedented in the NSA's history. It is apparent that such domestic surveillance violates section 1802(a) of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1802(a). That law permits electronic surveillance of communications without a court order only if the Attorney General certifies that (1) these communications are exclusively between or among foreign powers; and (2) there is no substantial likelihood that the surveillance will acquire the contents of any communication to which a United States person is a party. The Administration even temporarily suspended the program last year because of concerns about its legality.

Chairman Specter has already stated that the Senate Judiciary Committee will conduct hearings concerning this matter, and we ask that you, too, convene hearings to investigate why the President circumvented the system established under current law, which permits him to seek emergency warrants from the Foreign Intelligence Surveillance Court to conduct domestic surveillance. It is imperative we understand the legal authority upon which it is claimed these activities are based and the scope of the activities undertaken.

Sincerely,



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